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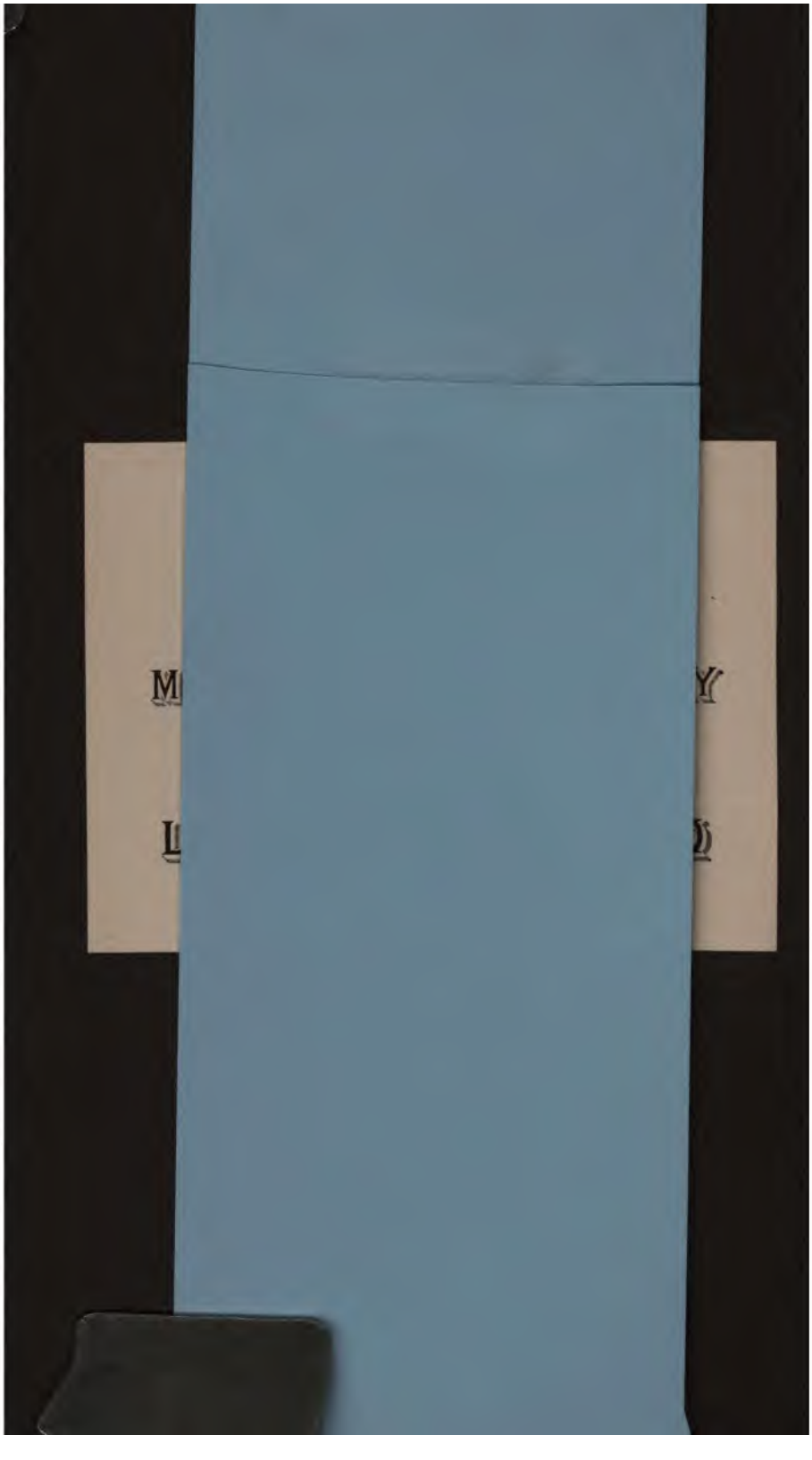

Medico-Legal Society

OF NEW YORK.

VALEDICTORY ADDRESS

—BY—

CLARK BELL, ESQ.,

On Retiring from the Presidency of that Society,

NOVEMBER, 1875,

With Appeal for Library and Statement of Library Contributions.

New York:
RUSSELL BROTHERS, PRINTERS,
17, 19, 21, 23 ROSE STREET.

1876.

LANE LIBRARY

LANE LIBRARY

Medico-Legal Society of New York,

NOVEMBER 30, 1875.

VALEDICTORY ADDRESS

—BY—

CLARK BELL, Esq.,

ON RETIRING FROM THE PRESIDENCY.

GENTLEMEN AND COLLEAGUES:

The time has come when it becomes my duty to retire from the Presidency of the Medico-Legal Society of New York, which I have occupied, through your kindness and partiality, for three terms.

Placed in this position, wholly unsolicited and unexpected at the outset, the duties of which I assumed with grave misgivings as to my ability to discharge properly, I have made it my earnest endeavor to fill worthily, and so far as lay in my power, to discharge its duties impartially.

Becoming greatly interested in the success and prosperity of the Society during these years, so eventful in its history, and anxious for a continued era of success in its labors, I can leave this chair with tranquillity and satisfaction when I remember that the name of my successor is a sure guarantee for your future prosperity.

At the moment when I lay aside these responsible duties, it may not be unfitting that brief allusion should be made to some of the leading events which have distinguished your labors during this period.

GROWTH OF THE SOCIETY.—Finding but a few names from the legal profession upon your roll of members at the moment of my first election, I made such personal efforts as brought into the Society some of the most distinguished members of the Bar of the City of New York, and made the two professions more nearly equal in numbers upon your roll.

Believing that the usefulness of this Society would be greatly enhanced by interesting prominent members of the medical profession, from among those especially who had devoted careful study to the subject of Medical Jurisprudence, I labored for an increase of membership from this class of the medical

70045

profession with such success that but few alienists of prominence or physicians of eminence in this branch can be found in the city whose names are not now upon your roll of membership.

From a small roll of names in 1872, we have swelled the list until we now number upwards of 425 members.

A marked change in another aspect can also be observed in this body. Its labors upon the various topics that have occupied your attention have embraced a far wider field, and attained a more complete and thorough publicity than before.

This has been due to causes which have been two-fold in their action:

1. The public press, animated by a laudable desire to diffuse the result of scientific research and inquiry, has with great kindness and favor noticed our proceedings with more care and fidelity than would be tolerated by merely medical societies; and medical men, united here with men of other professions in a society which is purely scientific and in no sense a medical society, have not been embarrassed in this respect by questions arising from publications, especially in the public press, which might otherwise have been regarded as objectionable from a purely professional and not a scientific standpoint.

2. The selection by the Society of an organ which has published its principal papers, and the republication of all its important contributions, not only for the benefit of members, but for the public libraries and kindred associations throughout the world, have ennobled and dignified the labors of the Society; and these causes have been completely crowned by the successful publication of a bound volume of our principal papers in a series which cannot fail to be regarded by students of Medical Jurisprudence everywhere as a most valuable acquisition to the contemporaneous literature of our times upon these topics.

The first of these volumes has already appeared from the press of McDivitt, Campbell & Co., of No. 79 Nassau street, New York, during the year 1874. The second volume, now in press and shortly to be issued, will bring the work of the Society down to the year 1874, and it will be ready for delivery, as our publisher announces, early in February next.

LIBRARY.—Immediately upon assuming the office of President of this body, I ventured to recommend, in my first inaugural address, the founding of a complete and comprehensive

Library upon Medical Jurisprudence in this city, under the auspices of this Society, which should afford the student of either profession an opportunity of access to all the learning of the world upon questions now daily becoming more interesting and prominent.

These recommendations, having met with so cordial an endorsement from the Society, have encouraged me to continue the same from time to time, and with such results that we may now safely regard the Library as an assured success.

I have corresponded during the past year with many of the public libraries of Europe, and with a large number of the booksellers of the Old World, as well as of our own country, to secure every accessible work in print, with favorable results.

I submit herewith an appeal, which, by direction of the Executive Committee, has been made to the generosity of both the professions of Law and Medicine, and which, through the kind courtesy of the public press, has been given a wide publicity.

I also append a list of the contributions which have been made to the Library since my last announcement, both in cash and in volumes, with the names of the donors, and a statement of such purchases as I have made for each donor respectively.

I must not take leave of this subject, now that I am retiring from active participation in this particular field, without thanking the many gentlemen who have encouraged me in this labor by their countenance and donations, and especially Mr. David Dudley Field, Mr. John H. Watson, Mr. Carlisle Norwood, Jr., for their generous gifts; Dr. Frederick Billings, of the Surgeon-General's Office, for his valuable exchanges and kind interest, and last, Mr. L. Del Monte, for the most valuable single gift yet made to the Library, being a complete set of "Annales d'Hygiène Publique et de Médicine Légale;" a gift which is of great value.

This gift from a gentleman of culture and taste, not a member of this Society, has deeply touched me, and entitles him to the thanks and good wishes of every member. I ought to say that it has been my earnest wish to create as deep an interest in the success of the Library in the members of the medical profession, as that which has been shown by the legal; and I am not without hope that my honored and talented successor will be more successful in that respect than it was possible for me to be. If this Society shall credit the retiring administration with the founding and establishment of such a library,

shall never regret my labors in this chair, nor recur to them without honest pride.

As a means of awakening an interest in both professions in the Society, and of enlarging the sphere of its usefulness in the new and comparatively untried fields of labor constantly opening before it, an Annual Dinner was inaugurated in the first year of my presidency, with such success and public recognition that it has been annually repeated, and I hope will remain a feature of the Society, to the success of which, so far as increase in numerical strength goes, it has notably contributed.

THE MEDICO-LEGAL SOCIETY OF FRANCE.—I had the honor, in my last inaugural address, to recommend the name of Monsieur J. A. Guerard, late the President of the "Societé de Medicine Légale de France" for Honorary Membership in this body. The honor, though well deserved, came too late. M. Guerard was no more, at the moment of our action, the mournful intelligence of which had not then reached us. The eloquent and touching oration pronounced before the Paris Society by that warm personal friend of the deceased, Monsieur T. Gallard, Secretary-General of that Society, brings to us a lively remembrance not only of what the French Society suffered in the loss of their President, but that which the science we are organized to investigate sustained throughout the world.

Volume 3 of the published transactions of the French Society, which we have received, illustrates the singular value of the labor of the French Society under M. Guerard's presidency during the year 1874, in a series of papers, discussions, and reports of cases of great interest, not the least important of which is the report by M. Dolbeau to the French Society upon the subject of "Chloroform as an Agent in the Commission of Crime," in which the whole subject is critically examined and reviewed. The views of our late President, my talented predecessor, Stephen Rogers, M. D., are critically analyzed, and a record made of a series of experiments of very great interest and value.

I commend this paper and the subject to your thoughtful attention, and recommend that it be made the subject of critical tests by experiment by a Committee of this body.

The French Society called to the chair, made vacant by the death of M. Guerard, one of its most distinguished names, Monsieur Devergie, an Honorary Member of this Society, an author of distinguished renown in Forensic Medicine, and a former President of that Society.

An event of great moment to the French Society, contemporaneous with his inauguration, was the installation of the Society in the Palace of Justice in Paris, where it will henceforth hold its sessions.

We can but take a lively interest and feel sincere pleasure at these signal marks of the increasing usefulness and power of our sister Society of Paris.

The French Government has placed a high estimate upon the usefulness, importance and value of the science of Medical Jurisprudence by its action in decreeing that Society necessary for the public safety and welfare of France, which the French tribunals have wisely followed in providing for its sessions in the Halls of Justice.

RECOMMENDATIONS.—The advance and progress made by this Society make certain changes in its organic law necessary, which could not have been contemplated by the earlier framers of its code, before the Society had attained that growth and importance which has characterized its later labors.

While the Society is open to men of science in all the professions, it is necessarily composed, or is now likely to be, mainly of the two professions of Law and Medicine.

The main labors of the Society, aside from its public discussions and contributions from members, fall, and very properly, upon the Executive Committee, in whom nearly all power is vested.

The usefulness, the prosperity and permanency of the Society therefore depends upon the selection of men of acknowledged and recognized position in their respective professions, as members of the Executive or Governing Committee.

From the medical side, those should be selected who have made medical jurisprudence a specialty, and who are recognized authorities and experts in matters of Medical Jurisprudence, and the same rule should obtain, though perhaps not so strictly, in the other professions.

The Paris Society have made this the distinguishing feature and characteristic of their body, and to this is greatly due their wonderful success.

Again, in selecting members of the Executive or Governing Committee, the prosperity and usefulness of the Society depends in a large measure, in my judgment, upon selecting, as near as may be, an equal number of the officers from each of the professions of Law and Medicine. I recommend, therefore, such a

change in the Constitution or By-Laws as will provide that at least five of the fifteen members of the Executive Committee annually elected shall be selected from each of the two professions of Medicine and Law. I also recommend, for the purpose of more effectually securing this result, that each office be balloted for separately at the annual election.

I may say that the most important, the most distinctive feature of the French Society, is its

PERMANENT COMMISSION.—It is composed of the President, the Secretary-General, and of nine members, chosen especially for their scientific attainments and superior knowledge as experts in matters of Medical Jurisprudence, from either profession.

These members are elected three each year, are selected with great care from the most eminent names in France in this regard, and they hold their office for three years each.

A majority of this Commission decides a question, and four voices are necessary to a quorum.

This permanent Commission is charged with the solution of any question that may come to the body from the Courts or other sources during the interim between the sessions of the Society, and its action is subordinate to and always under the review of the Society itself.

Its especial value is that it is composed of men of such character and standing, that its decision upon an obscure question of Medical Jurisprudence is of the highest value, and is usually conclusive. To this Commission questions arising in the courts, in the administration of criminal law, and various other questions, are constantly referred, and its usefulness and practical value cannot be well overestimated.

M. Devergie, on the occasion of his last assuming the chair of the French Society, in speaking of the labors of this Commission and its results, says:

"We make an appeal, or rather we make an entirely disinterested offer to magistrates, to advocates, to medical experts, surgeons and chemists, and we say to them, if any difficulty presents itself to you in the discharge of your duties, if the solution of any question embarrasses you, or if you feel any doubts upon your mind, come to us, and with a very little delay you will receive the response from a body of men accustomed to interpret such cases, and deduce their consequences." He continues: "This appeal, gentlemen, has been largely heard in all

parts of France. Tribunals, magistrates, advocates or physicians have for six years submitted to us their most difficult questions, and in the generality of cases the Society has had the good fortune to see its advice taken in the decisions and judgments which have been rendered."

This is a remarkable statement, and is the testimony of the ablest Medico-Legal jurist of France as to the practical value of such a properly organized "Permanent Commission."

I venture to recommend this subject to your careful consideration, and should regard it as a great advance if such a Commission could be established by this Society, provided such safeguards could be thrown around the selection of its members as would ensure the selection of men of the highest scientific attainments in Medical Jurisprudence. Without that it would prove an injury rather than a benefit to the progress of scientific research and truth, which should underlie all your investigations.

OBJECTS AND AIMS.—The Medico-Legal Society is and should be studiously regarded and kept as a purely scientific society. Composed as it must necessarily be of men of various professions, united for the common purpose of careful scientific research upon abstract scientific questions, it cannot be called or regarded in any sense as a Law or Legal Society.

It is not in any sense, and should never become a Medical Society.

As the Paris Society opened its doors to men of distinction and eminence in Philosophy, in Chemistry, in Pharmacy; to Naturalists, Physicists, Scientists, and even Veterinary Surgeons, so have we opened ours, not quite so wide perhaps as our Paris *confrères*, who admit pharmacists and veterinary surgeons, but we do admit chemists and scientists, and men of eminence in letters, which must be wide enough to take all the brain and capacity that can aid us in the careful and scientific search after truth.

Danger would threaten the integrity of this body if any ill-advised or thoughtless person should attempt to enforce in it, or engraft upon it, on the one hand, any of the usages or ethics peculiar to strictly medical societies, which only medical gentlemen can explain, much less justify; or on the other, any questions or ethics peculiar to lawyers, as such.

We escape all these vexed and confusing questions, and our permanency and safety lies in standing squarely on the broad

platform of a strictly scientific Society, allowing each profession to govern itself, outside of our Society, in its own way and manner.

I shall leave to my honored successor the discussion upon the advancement which is being made in the various fields of scientific research and inquiry, and shall pass without comment the various topics upon which I have freely spoken to you on other occasions.

Your interests in these important regards could not be placed in abler or safer hands, and he will bring to the discharge of the duties of this chair a ripe experience, which cannot fail to add lustre to your Society under his skilful direction.

In conclusion, let me thank you, one and all, for that kind and cordial support which has been constantly extended to me upon this floor, and in all the varied duties of this chair, and which I shall never forget.

It is not unlikely that in so extended a term of service I may have given offence or have made mistakes. If so, I know of no more fitting occasion than the present to express my regret, and to assure all that it has not been intentional, and to request that it should be overlooked and forgotten.

And now, permit me to congratulate you, gentlemen, and the Medico-Legal Society of New York, upon that peculiar good fortune which enabled you to secure as your President, for the ensuing year, Prof. Frank H. Hamilton, who has won his way by an industry equaled only by his ability, into the very front rank of his profession, whose name is an authority upon his specialty wherever the English language is spoken, whose writings have met the critical approval of the students and savans of modern scientific research in all countries, and whose successes in his professional life are not greater than the talent he has shown in the chair of the professorship of his choice.

It was meet and proper that such a man should be chosen as the President of this Society; and it is a source of the highest pleasure and personal gratification to myself that you have so generously seconded my own wishes in transferring the honors of this distinguished position into such worthy and capable hands.

THE APPEAL.

Office of the President of

THE MEDICO-LEGAL SOCIETY OF NEW YORK,

120 BROADWAY,

New York, October, 1875.

The MEDICO-LEGAL SOCIETY OF NEW YORK has voluntarily assumed the labor of organizing and maintaining a complete Library of all accessible works upon Medical Jurisprudence—especially in the English, French and German tongues.

This labor, commenced in 1872, is fairly inaugurated, and may be claimed to have proven a success; and it only remains to call the attention of members of the professions of Law and Medicine in the United States to the claims and merits of the enterprise, to insure its complete accomplishment in the very near future.

There is not at the present time any notable collection of such works in the United States. The great Law Libraries in the City and State of New York, and indeed in the United States, have only a few standard works of this character, and there in no reason to suppose any change is likely to occur presently in this regard. The Medical Libraries of the Nation are nearly as poor as the Law Libraries in works upon Medical Jurisprudence. The Library of the Surgeon-General at Washington, D. C., under its present intelligent and enterprising management will, I am glad to be able to state, probably show a memorable improvement in this respect in future, as it is the present purpose to add largely of this class of works to that very valuable collection.

The great value to both professions of a collection which shall embrace every known work upon Medical Jurisprudence, for reference alone, cannot well be over-estimated, and the growing importance of the subject, coupled with the great fact that such a Library does not exist upon this Continent, suffices to commend the purposes and aims of this Society to every thoughtful member of either profession.

Such a Libraray could not well be called complete unless it contained, besides all the works extant on the subjects embraced within the whole realm of Medical Jurisprudence:

1st. The proceedings of all the Medical Societies of the various States, because their proceedings contain, in many instances, papers and discussions of the highest value upon these topics, which can only be reached through these very published transactions.

2d. The Reports of the various Asylums for the several States of the Union, as well as those of England and the Continental countries, and the Reports of Legislative Committees or State Officials upon the subject of the Insane, Insane Asylums, or kindred topics.

3d. Those papers, pamphlets or publications contributed by either profession, which, published by societies or individuals, are inaccessible to the student or the practitioner, except through the aid of such a library.

The Executive Committee of the Medico-Legal Society believe that it will be only necessary to remind the members of the Legal and Medical professions of the existence of such a resolute and determined effort on the part of this Society to insure an early completion of its labors.

This Society, by a general resolution, unanimously adopted, voluntarily assumed the obligation on the part of each of its members of contributing one volume per annum to this Library. A membership which has grown from a small list to upwards of four hundred in three years, and which bids fair to be the strongest, numerically, of any of the kindred Societies, makes this means alone likely, in time, to furnish a collection of great value. Liberal contributions of money have also been made by individual members, which have been invested by the undersigned in volumes, obtained by correspondence with all the dealers and most of the Librarians of such works throughout the world.

A Catalogue of the names of all works ever published on these subjects is in course of preparation by members of this Society, is now far advanced towards completion, and the time has now come, in the judgment of the management of this Society, when it is justified in making this statement and appeal to all those who feel an interest in such a movement, to help it by contributions of cash or volumes to the collection.

If money is contributed it will be expended for volumes, on which the donor's name will be inscribed, and the annual statement of the Society will announce the names of the donors of cash, or of volumes, with the names of such volumes as are contributed.

It is proposed, in case a contribution is made by any person not a member of this Society, which is acceptable to and is received by the Society, that such contributor shall have the right of access to the Library for refererence, under such rules and regulations as the Society shall from time to time establish.

The Equitable Life Assurance of New York has kindly offered to furnish a home for this Library, in their new and elegant building, which offer is now under consideration by this body.

The aims and claims of the enterprise are respectfully commended to Librarians of the various Libraries of this country and of Europe, who are invited to exchange works or pamphlets on these subjects for the publications of this Society, the greater part of which can only be thus obtained, and are not for sale by dealers.

The undersigned, in the name of the Medico-Legal Society of New York, begs to thank the public press of the city and country for the kind aid heretofore given to second the Society's efforts to form and establish this Library, which have so largely contributed to its past success, and through whose courtesy and active aid this appeal can only be made successful and complete.

Contributions may be made either through the Librarian, R. S. GUERNSEY, Esq., No. 150 Broadway, or the undersigned, at No. 120 Broadway, New York.

CLARK BELL.

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The following volumes have also been donated to or purchased by for the Library of the Society since my last announcement in 18

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Zweiter Band, A–G & H. 2 vols. *Valuable.*
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Transactions for the year 1872. 1 vol.

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Haeser.—Geschichte der Epidemischen Krankheiten. 1 vol.
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Reich.—Ursachen und Verhutüng. 1 vol.
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Dr. C. P. TUCKER.

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Zeitschrift für Brologie. 1 vol.
Schüle.—Sechonsergebruisse der Geisteskrangen. 1 vol.
Lucas.—L'Hérédite Naturelle. 2 vols.
Beneke.—Mortalitats Statistik. 1 vol.
Loir—L'Etat Civil. 1 vol.
Livre.—Medicinal und Sanitats-Polizei. 2 vols.
Amette.—Code Medical. 1 vol.

ELY VANDERWARKER, M. D.

The Trial of Henderson. 1 vol.

MAX F. ELLER,

Feurbach.—Peinliches Recht. 1 vol.

MUTUAL LIFE INSURANCE CO.

Mortuary Report Statistics. 1 vol.

1875.

JOHN SHRADY, M. D.

Finkelnburg.—Gesundheitspfl Englands. 1 vol.
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Buchner.—Lehrb. der Gerichtliche Medicin. 1 vol.
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J. E. JANVRIN, M. D.

Zacchias.—Questions Medico-Legales. 1 vol.
Annales d'Hygiene Publique et de Medicine Legale. 1874. Nos. 16 and 17. 2 vols.
Annales d'Hygiene Publique et de Medicine Legale. 2d Series, 1875. 1 vol.

CHAS. E. DENHARD, M. D.

Storer & Beard on Criminal Abortion. 1 vol.
Robinson on the Circulation of the Blood. 1 vol.
Turton's Medical Glossary. 1 vol.

JOHN FRIEDRICH, M. D.

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Paris Pharmacologie. 1 vol.

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Medicine Legale. By Devergie. 2 vols.

THE SOCIETE DE MEDICINE LEGALE DE FRANCE.

Installation de la Sociète au Palais Justice. 1 pamphlet.
Notes and Observations de Medicine Legale. Par T. Gallard. 1 pamphlet.
Transactions for year 1873. 1 vol.

DAVID DUDLEY FIELD.

Catalogue Generale des Livres de Medicine. J. B. Balliere et fils. 1 vol.
Medicine Legrale Criminelle (Poitroux). 1 vol.
Medicine Legale (J. P. Hoffbauer et Chambeyron). 1 vol.
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